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主動調查報告
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持有人體格證明的要求
Transport Department’s Requirements for Physical Fitness Certification of Driving Licence Applicants/Holders

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CONTENTS

Executive Summary

Chapter		*Paragraph*
1	*Introduction*	
	Background	*1.1 - 1.4*
	Scope and Process of Investigation	*1.5 - 1.7*
2	*Transport Department's Monitoring of Drivers' Physical Fitness to Drive*	*2.1*
	Statutory Requirements for Physical Fitness of Driving Licence Applicants/Holders	*2.2 - 2.9*
	Monitoring of Health Condition of Drivers of Public Transport and Commercial Vehicles	*2.10 - 2.18*
	Transport Department's Review of Requirements for Drivers' Physical Fitness	*2.19*
3	*Requirements for Physical Fitness of Drivers in Other Jurisdictions*	*3.1*
	Mainland of China	*3.2 - 3.3*
	Macao	*3.4 - 3.5*
	Taiwan	*3.6 - 3.8*
	Singapore	*3.9 - 3.11*
	Australia	*3.12 - 3.15*
	Canada	*3.16 - 3.18*
	United Kingdom	*3.19 - 3.21*
	Summary Table of Relevant Measures in Hong Kong and Other Jurisdictions	*3.22*
4	*Our Comments and Recommendations*	*4.1 - 4.5*
	(I) To Specify Examination Items of Physical Fitness Certification for Obtaining a Driving Licence and Provide Medical Professionals with Guidelines in This Regard	*4.6 - 4.8*

	(II) To Establish a Mechanism for Medical Examinations of Commercial Vehicle Drivers (Especially Drivers of Heavy Vehicles) Reaching a Specified Age and Impose More Stringent Requirements for Their Physical Fitness	*4.9 - 4.11*
	(III) To Step up Publicity and Education to Remind Drivers to Take Care of Their Physical and Mental Health and to be Alert to Changes in Their Capability to Drive	*4.12 - 4.13*
	(IV) To Explore Ways to Facilitate Professional Drivers of Commercial Vehicles to Undergo Medical Examinations	*4.14 - 4.15*
	Recommendations	*4.16*
	Acknowledgement	*4.17*
Annex	*Medical Examination Certificate*	

Executive Summary
Direct Investigation Report

Transport Department's Requirements for Physical Fitness Certification of Driving Licence Applicants/Holders

Introduction

In Hong Kong where the traffic is busy, drivers must have good driving manner and skills, and maintain both physical and mental health to ensure their capability to drive motor vehicles and avoid accidents.

2. Many jurisdictions have introduced more stringent requirements for physical fitness certification of senior drivers and professional drivers, and even imposed driving restrictions on them to enhance road safety. In Hong Kong, driving licence applicants/holders are required by law to declare to the Transport Department ("TD") as to whether or not they are suffering from any disease or physical disability specified in the relevant legislation or any of those which would be liable to cause their driving of a motor vehicle to be a source of danger to the public. As for drivers having reached the age of 70, they must provide a Medical Examination Certificate to TD at least every three years for the issue or renewal of their driving licence. Nevertheless, in terms of setting the medical examination items and standards and specifying requirements for drivers' physical fitness for different classes of vehicles, there is still a gap between Hong Kong and other jurisdictions. In view of the ageing population in Hong Kong and the fact that commercial vehicles, especially heavy vehicles, have a greater risk of being involved in traffic accidents and casualties, we consider that TD should keep pace with the times and learn from the experience of other jurisdictions in adjusting the requirements for physical fitness certification of drivers. This will help mitigate the risk of traffic accidents caused by drivers' health problems that affect their capability to drive.

Our Findings

3. On TD's requirements for physical fitness certification of driving licence applicants/holders, we find the following areas for improvement.

(I) To Specify Examination Items of Physical Fitness Certification for Obtaining a Driving Licence and Provide Medical Professionals with Guidelines in This Regard

4. In Hong Kong, the law requires that when people aged 70 or above apply for the issue or renewal of a driving licence, they shall produce a Medical Examination Certificate completed and signed by a registered medical practitioner to confirm that they are medically fit to drive and control any vehicles of the class to which the licence relates. Nevertheless, the Medical Examination Certificate only sets out the suggested scope of medical checks to be performed by medical practitioners without specifying any compulsory examination items. Medical practitioners are not required to put the examination items of the applicant and the results thereof in the certificate unless they consider the applicant not physically fit to drive. Moreover, TD has not established any uniform medical standards for completing the Medical Examination Certificate or issued any guidelines to medical practitioners responsible for performing the medical examinations.

5. In our opinion, TD should make reference to the relevant requirements in different jurisdictions and consider specifying the examination items that driving licence applicants must undergo and the information that registered medical practitioners should put in the Medical Examination Certificate. That will help both the Government and the applicants understand whether the latter are physically fit to drive. TD can also, upon consultation with medical professionals and the related sectors, consider establishing uniform guidelines for the relevant medical examinations so that medical professionals can assess more effectively whether the driving licence applicants are physically fit to drive.

(II) To Establish a Mechanism for Medical Examinations of Commercial Vehicle Drivers (Especially Drivers of Heavy Vehicles) Reaching a Specified Age and Impose More Stringent Requirements for Their Physical Fitness

6. The relevant legislation in Hong Kong contains no specific requirements for physical fitness of professional drivers of commercial vehicles including public transport. Currently, only franchised bus operators and the tram company have mechanisms in place to arrange regular medical examinations for their drivers in a systematic manner. Other professional drivers of commercial vehicles are only required to undergo medical examinations of the same standards as those required of private car drivers when they reach the age of 70 or above.

7. Given that commercial vehicles are bulky and they carry a large amount of goods or passengers, traffic accidents and collisions involving commercial vehicles can have dire consequences. Hence, it is not unreasonable for the Government to be more prudent about the physical condition of professional drivers. We consider that TD should learn from the practices of other jurisdictions and establish a system for medical examinations of commercial vehicle drivers (especially those driving heavy vehicles). Under such system, those drivers reaching a specified age will be required to undergo regular medical examinations and meet more stringent requirements for physical condition before they can be issued a driving licence for commercial vehicles or get their licences renewed.

(III) To Step up Publicity and Education to Remind Drivers to Take Care of Their Physical and Mental Health and to be Alert to Changes in Their Capability to Drive

8. In our opinion, TD should continue to step up its publicity and education among drivers of different age groups to remind them to pay attention to their physical fitness and also be considerate towards others. Drivers should be alert to potential health risks that may affect their capability to drive, and be advised to prevent such problems. They should also be encouraged to undergo regular and specific medical examinations for prevention/treatment of diseases or changes in functional capacity that may affect their capability to drive. If drivers can make efforts to slow down the degeneration of their functional capacity and receive timely treatment for diseases, it will help extend their driving years.

9. Furthermore, TD should strengthen education of drivers on the legal requirement for reporting changes in their health condition to TD and the importance of so doing. TD can also make reference to the practices in other jurisdictions to approach medical professionals and seek their support in reminding drivers to notify TD as soon as possible when their health condition is at a stage that may affect their capability to drive.

(IV) To Explore Ways to Facilitate Professional Drivers of Commercial Vehicles to Undergo Medical Examinations

10. We understand that it will inevitably increase the financial burden of professional drivers of commercial vehicle if they are required to undergo and pay for

more frequent and stringent medical examinations. Nevertheless, if the Government were to provide free medical examinations to a large number of professional drivers in the long run, it would involve resources and public funds and it requires careful consideration. TD should, therefore, proactively explore ways to facilitate professional drivers to take medical examinations, such as subsidising the medical examinations of professional drivers in need and liaising with relevant departments including the Department of Health to explore suitable medical resources that can be used on the medical examinations.

Recommendations

11. In view of the above, The Ombudsman has made four recommendations to TD:

(1) specify examination items of physical fitness certification for obtaining a driving licence and provide medical professionals with guidelines in this regard so that they can assess more effectively whether the driving licence applicants are physically fit to drive;

(2) establish a mechanism for medical examinations of commercial vehicle drivers (especially drivers of heavy vehicles) reaching a specified age and impose more stringent requirements for their physical fitness;

(3) step up publicity and education to remind drivers to take care of their physical and mental health and to be alert to changes in their capability to drive; and

(4) explore ways to facilitate professional drivers of commercial vehicles to undergo medical examinations.

Office of The Ombudsman
November 2021

1

INTRODUCTION

BACKGROUND

1.1 With an ageing population in Hong Kong, there will be a steady increase in the proportion of driving licence holders who are elderly. A person's eyesight, physical strength, reactions and even cognitive abilities are likely to diminish with age. These changes may have an impact on the capability to drive motor vehicles.

1.2 Currently, people applying for the issue or renewal of a driving licence are required by law to declare to the Transport Department ("TD") as to whether or not they are suffering from any disease or physical disability specified in the relevant legislation, which would be liable to cause their driving of a motor vehicle to be a source of danger to the public. While a driving licence is normally valid for 10 years, the licence held by a person aged 70 or above is valid for a maximum of three years. Moreover, on application for a driving licence for any classes of vehicles, an applicant aged 70 or above is required to produce to TD a Medical Examination Certificate completed and signed by a registered medical practitioner to confirm that the applicant is medically fit to drive any vehicles of the class concerned. Although TD has suggested the scope of medical checks for applicants over the age of 70 to be performed by registered medical practitioners, the medical practitioners are not required to conduct any specified medical examination items for the applicants before completing the certificate.

1.3 Many jurisdictions have introduced measures requiring senior drivers to undergo various health checks, thereby ascertaining their physical fitness to drive. Meanwhile, as heavy commercial vehicles are bulkier, heavier or carrying more passengers in comparison to private cars, and they are generally driven on roads for longer periods of time, the risks of these vehicles being involved in traffic accidents are higher. Consequently, some jurisdictions have implemented more stringent requirements for medical examination of drivers of heavy commercial vehicles to enhance the safety of road users.

1.4 As the population of Hong Kong continues to age, an essential part of the Government's promotion of road safety is to ensure that all motorists are physically fit to drive. A proper mechanism for physical fitness certification is particularly crucial. In this connection, The Ombudsman announced the launch of a direct investigation pursuant to section 7(1)(a)(ii) of The Ombudsman Ordinance (Cap. 397) on 29 June 2021 to examine TD's requirements for the physical fitness certification of driving licence applicants/holders, with a view to identifying any areas for improvement.

SCOPE AND PROCESS OF INVESTIGATION

1.5 This direct investigation covers the following aspects:

- TD's existing requirements for the physical fitness certification of driving licence applicants/holders;
- the requirements for medical examinations of driving licence holders in some jurisdictions in accordance with the age of drivers or the classes of vehicles they can drive; and
- areas for improvement in the existing mechanism in Hong Kong.

1.6 In the course of this investigation, we have examined the information provided by TD and similar mechanisms and measures in place in various jurisdictions as well as inviting public views.

1.7 We issued the draft investigation report to TD for comments on 19 October 2021. Upon considering their comments, this final report was completed on 23 November 2021.

2

TD'S MONITORING OF DRIVERS' PHYSICAL FITNESS TO DRIVE

2.1 At present, TD mainly relies on the self-declaration of driving licence applicants/holders to learn whether they are suffering from any disease or physical disability which would affect their capability to drive motor vehicles.

STATUTORY REQUIREMENTS FOR PHYSICAL FITNESS OF DRIVING LICENCE APPLICANTS/HOLDERS

General Requirements

2.2 Under section 9 of the Road Traffic (Driving Licences) Regulations (Cap. 374B) ("the Regulations"), all applicants for the issue or renewal of a driving licence shall make a declaration to TD as to whether or not the applicant is suffering from any disease or physical disability[1] specified in the First Schedule of the Regulations, or any

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1 The specified diseases and physical disabilities include:

(1) Epilepsy.

(2) Liability to sudden attacks of disabling giddiness or fainting due to hypertension or any other cause.

(3) Mental disorder for which the applicant for the licence, or, as the case may be, the holder of the licence is liable to be detained under the Mental Health Ordinance (Cap. 136) or is receiving treatment as an in-patient in a mental hospital within the meaning of that Ordinance.

(4) Any condition causing muscular incoordination.

(5) Uncontrolled diabetes mellitus.

(6) Inability to read at a distance of 23 metres in good daylight (with the aid of spectacles or other corrective lenses, if worn) a registration mark.

(7) Any other disease or disability which is likely to render him incapable of effectively driving and controlling a motor vehicle or suitably adapted motor vehicle to which such licence refers without endangering public safety, provided that deafness shall not of itself be deemed to be any such disability.

other disease or physical disability which would be liable to cause his/her driving of a motor vehicle of the class to which the licence refers to be a source of danger to the public.

2.3 According to section 11(6B) of the Regulations, a full driving licence issued to an applicant shall be valid for 10 years if, on the date of application, the applicant is at or less than the age of 60. For applicants over the age of 60 but less than 70, their licence shall be valid for a period from the date of issue of the licence up to the day before they attain the age of 70, or a period of three years from the date of issue of the licence, whichever is the longer. Applicants who are at or over the age of 70 can choose to apply for a driving licence valid for one year or three years. In other words, applicants aged 70 or above should submit a Medical Examination Certificate to TD at least every three years to prove themselves physically fit to drive and control the class of motor vehicle to which the licence refers.

2.4 Section 9(2A) of the Regulations provides that even if a holder of a valid driving licence did not suffer from any specified disease or physical disability at the time when the issue, reissue or renewal of the licence was applied for, he shall, after he becomes aware of such disease or disability, forthwith give notice in writing of such fact to the Commissioner for Transport ("the Commissioner"). If the Commissioner is satisfied that the licence holder is suffering from the reported disease or disability, he may cancel the driving licence in accordance with the Regulations.

Additional Statutory Requirements for Physical Fitness of Drivers in Accordance with Their Age

2.5 Information provided by TD shows that the proportion of full driving licence holders who were aged over 60 had been on the rise in the previous five years (**Table 1**).

Table 1: Number of Full Driving Licence Holders between 2016 and 2020

	Number of Full Driving Licence Holders			
Year	**Total**	**Aged 60 or above (percentage out of the total number)**	**Aged between 60 and 69**	**Aged 70 or above**
2016	2,229,183	347,805 (15.60%)	310,534	37,271
2017	2,264,019	372,732 (16.46%)	328,091	44,641
2018	2,290,097	395,372 (17.26%)	341,111	54,261
2019	2,326,760	417,609 (17.95%)	352,144	65,465
2020	2,314,981	438,914 (18.96%)	365,556	73,358

2.6 Section 10(3) of the Regulations provides that an applicant aged 70 or above shall attach to his/her application a Medical Examination Certificate (see **Annex**) completed and signed by a registered medical practitioner who is acceptable to the Commissioner that on a date within four months before the application, to prove that he/she is medically fit to drive and control any vehicle of the class to which the licence refers.

2.7 Part C of the Medical Examination Certificate sets out the suggested scope of the medical examination (including areas such as eyesight, mental state, skeletal and muscular system, balance and coordination, hearing, etc.) to be conducted by a registered medical practitioner for driving licence applicants. Medical practitioners only need to give a general description as to whether the applicant is physically fit to drive a motor vehicle, and whether the applicant needs to wear corrective lenses and/or hearing aids while driving. The Medical Examination Certificate contains no instruction or requirement as to which items of medical examination should be conducted to prove that the applicant is physically fit to drive a motor vehicle, and medical practitioners have the discretion as to whether the data and results of the examinations conducted shall be put in the Certificate to substantiate their conclusion.

2.8 Different classes of motor vehicles are defined in the Road Traffic Ordinance (Cap. 374). For example, "heavy goods vehicle" means a goods vehicle having a permitted gross vehicle weight exceeding 24 tonnes but not exceeding 38 tonnes; and "bus" means a motor vehicle constructed or adapted for the carriage of a driver and more than 19 passengers and their personal effects. According to TD's classification of driving licences, commercial vehicles include taxis, medium goods vehicles, heavy goods vehicles, public light buses and private light buses, public buses and private buses, franchised buses, articulated vehicles and special purpose vehicles. Nevertheless, the existing statutory requirements for the certification of physical fitness regarding driving licence applicants for private vehicles and commercial vehicles (including heavy vehicles) are the same. The requirements mentioned in **paragraphs 2.2 to 2.4**, **2.6 and 2.7** apply to driving licence applications for all classes of vehicles[2].

Offences and Penalties Relating to Non-compliance of Certificate Requirements

2.9 A person who, for the purpose of obtaining a driving licence, knowingly makes any statement which is false in a material particular commits an offence and is liable to a fine of $5,000 and to imprisonment for 6 months pursuant to section 111(3) of the Road Traffic Ordinance. Moreover, a person who fails to comply with the requirement in section 9(2A) of the Regulations (see **para. 2.4**) without justification also commits an offence and is liable to a fine of $2,000.

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2 Pursuant to section 5 of the Road Traffic (Driving Licences) Regulations, for the purpose of the issue of driving licences, motor vehicles shall be divided into the following classes:

(a) private cars;
(b) taxis;
(c) public light buses and private light buses;
(d) public buses and private buses;
(e) light goods vehicles;
(f) medium goods vehicles;
(g) heavy goods vehicles;
(ga) articulated vehicles;
(h) special purpose vehicles;
(i) motor cycles;
(ia) motor tricycles;
(j) invalid carriages;
(k) Government vehicles.

MONITORING OF HEALTH CONDITION OF DRIVERS OF PUBLIC TRANSPORT AND COMMERCIAL VEHICLES

2.10 All drivers including those driving public transport and commercial vehicles must conform to the requirements for health condition in the Regulations. Public transport operators and other organisations or individuals that hire professional drivers are obliged to ensure that their drivers' physical fitness meets the requirements and to monitor their health condition for provision of safe services.

Franchised Buses

2.11 Franchised bus operators require all full-time and part-time drivers to make a declaration of their health condition and pass a medical examination, which includes lung examination, eyesight test, hearing test, diabetes test, blood pressure test, blood test and urine test. All candidates have to obtain a physical fitness certification from a medical practitioner before they can be hired as a franchised bus driver.

2.12 Operators will decide which items shall be included in the medical examination for serving drivers according to their age and health condition, and serving drivers aged 50 or above shall undergo a medical examination each year (the examination items are listed in **para. 2.11**). Since August 2013, operators have arranged drivers who are at the age of 50, 54 and 57 and those who have reached 60 to take an electrocardiogram in addition to the medical examination. Moreover, drivers who are on medication because of stroke, cardiovascular disease, diabetes or high blood pressure should notify the operators of such fact and attend an annual medical examination which covers an electrocardiogram.

2.13 Operators will remind their drivers to abstain from driving if they are feeling unwell. They will also monitor the mental state of drivers and instruct drivers who are not in a good mental state to stop driving immediately.

Trams

2.14 Currently, the tram company requires newly recruited drivers to attend a medical examination and provide their medical record. Tram drivers aged 60 or above shall, before renewal of their contract every year, attend a full medical examination, which includes tests on blood pressure, lungs, blood, urine and eyesight as well as a health declaration.

2.15 According to TD, it will maintain close contact with franchised bus operators and the tram company, and follow up on any passengers' complaints or alerts from other channels about drivers showing health problems.

Public Light Buses Operating on Scheduled Service

2.16 Operators of public light buses operating on scheduled service generally do not require their drivers to attend a medical examination every year. In case a driver feels unwell during work hours, the operator will usually ask the driver to abstain from driving for the time being and require him/her to see the doctor or attend a medical examination.

Taxis, Red Minibuses and Other Commercial Vehicles

2.17 While taxis and red minibuses fall into the category of public transport, their daily operations are not subject to TD's monitoring and their drivers are mainly self-employed. As for other commercial vehicles including heavy goods vehicles, articulated vehicles and coaches, their daily operations, which include any arrangement or measure to check the drivers' health condition to confirm their fitness to drive, are also not subject to TD's regulation.

2.18 TD indicated that it has been reminding drivers of various commercial passenger vehicles (including taxis, buses and light buses) and goods vehicles (including light, medium and heavy goods vehicles) to practise safe driving and pay attention to their health. TD has launched or participated in publicity and educational activities to enhance drivers' awareness of maintaining good driving manner and health condition. These activities include:

(1) Since 2009, TD has organised the Safe Driving and Health Campaign each year while promoting safe driving and giving advice on health via the radio and other publicity channels. For example, TD has invited experts to share health information and tips and commercial vehicle drivers to share experience in safe driving and health on radio programmes. It has also appointed ambassadors to promote the campaign. In addition to the official website of the campaign (https://www.td.gov.hk/mini_site/2020sdhc/eng/index.html), TD launched a Facebook page in 2019/20 to provide drivers with more information on safe driving and health.

Under this campaign, TD works together with non-profit making organisations each year to offer free health checks at five designated medical centres for about 2,000 commercial vehicle drivers (including drivers of buses, light buses, taxis, non-franchised buses and goods vehicles). The health checks include body mass index test, forward bend test, blood lipid profile (including total cholesterol and triglyceride), chest x-ray examination, fasting blood glucose test and eyesight test. Commercial vehicle drivers who attend free health checks can pay to have extra tests such as complete blood tests, liver and kidney function tests, and tests on uric acid (gout test) and high and low density lipoprotein cholesterol.

(2) TD organises regular meetings with public transport operators and the industries of goods vehicles and taxis to discuss topics such as professional drivers' health, listen to the industries and operators' views on provision of healthy work environment to drivers. The Department will also, when necessary, consider introducing measures to assist the industries and the operators to improve the work environment for drivers.

(3) TD publishes regularly PLB Net, Goods Vehicle Trade Newsletter and Taxi Newsletter to provide health information and remind professional drivers in these industries to maintain good health to ensure safe driving and road safety.

(4) TD and the Hong Kong Police Force co-organise seminars for drivers of public light buses, taxis and goods vehicles to enhance their knowledge and awareness of safe driving.

TD'S REVIEW OF REQUIREMENTS FOR DRIVERS' PHYSICAL FITNESS

2.19 TD is conducting a review of the existing statutory requirements for physical fitness certification of driving licence applicants/holders, collecting information on the relevant requirements and practices in other jurisdictions and examining and analysing the statistics on traffic accidents. For example, the data

between 2009 and 2019 show that the accident involvement rates per million vehicle-kilometre of commercial vehicles such as taxis and public light buses are higher than those of private cars. The review aims to enhance road safety by examining whether and how the requirements for physical fitness certification should be amended and gauging views from various stakeholders. TD has set the target schedule for completion of the review and intended to commence the consultation and gauge views from relevant stakeholders including the industries within the first half of 2022. As the stakeholders may be affected by the proposals in the review, TD will, upon collection of views, further examine the matter carefully to determine whether and how the relevant legislative amendments should be made.

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REQUIREMENTS FOR PHYSICAL FITNESS OF DRIVERS IN OTHER JURISDICTIONS

3.1 In many jurisdictions, there are policies and measures requiring drivers to provide information to prove their physical fitness to drive. Some authorities require elderly drivers to pass various health checks before they can have their driving licence renewed while other authorities impose more stringent requirements for physical fitness certification of professional drivers of commercial vehicles or public transports in comparison to ordinary drivers. In this chapter, we will give brief accounts of the measures and criteria regarding provision of proof of physical fitness of drivers in some jurisdictions.

MAINLAND OF CHINA[3]

3.2 In the Mainland of China, the law requires that applicants applying for the first issue or renewal of a driving licence shall produce physical fitness certification issued by medical institutions at a prescribed level. People who suffer from specified diseases including epilepsy, dementia, mental illness and nervous system diseases which affect the mobility of limbs shall not apply for a driving licence. Besides, requirements for physical condition of a driving licence holder for different classes of vehicles vary. Specifically, applicants for a driving licence for commercial heavy vehicles including

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3 Reference:

(1) http://www.gov.cn/gongbao/content/2016/content_5070752.htm

(2) http://big5.www.gov.cn/gate/big5/www.gov.cn/xinwen/2020-10/22/content_5553493.htm

large goods vehicles and public buses shall meet more stringent requirements for height, eyesight, hearing and limb mobility than those applying for a private car driving licence.

3.3 Applicants over the age of 70 are only eligible for a driving licence for small vehicles (including those with auto gear) and light motorbikes (which generally refers to small-sized motorbikes with a small fuel tank that accommodate only one person and operate in relatively low speed). They are also required to undergo medical examination each year and provide physical fitness certification issued by a medical institution at a prescribed level to prove that they are physically fit to drive. People aged over 60 shall not drive any large or medium passenger-carrying vehicles, buses, container trailers, heavy goods vehicles or public tram.

MACAO[4]

3.4 In Macao, applicants for a driving licence for private cars and motorbikes are generally required to pass a medical examination by a registered medical practitioner that covers the applications' mobility of hands, eyesight and hearing. Holders of driving licences for private car and motorbike having reached the age of 40 shall renew their licences and pass a medical examination every ten years until the age of 60 and thereafter, every five years. When they reach 70, they shall undergo more frequent (i.e. every two years) licence renewal procedures and medical examinations.

3.5 Applicants for a licence to drive commercial heavy vehicles (including passenger-carrying and goods vehicles) are normally required to pass a specified medical examination by the Health Bureau or health centres authorised by government authorities. Professional drivers holding a driving licence for commercial heavy vehicles shall renew their licences and pass a specified medical examination when they reach the age of 35 and 45. Those who have reached the age of 45 shall renew their licences and pass the specified medical examination every five years until the age of 65. After reaching 65, holders of licence for commercial heavy goods vehicles shall apply for the renewal and pass the medical examination every two years while those who hold

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4 Reference:

(1) https://bo.io.gov.mo/bo/i/93/17/codestcn/decleil7an.asp#s4a70

(2) http://www.gov.mo/zh-hant/services/ps-1914/ps-1914b

(3) http://www.dsat.gov.mo/eform/atestado.pdf

a driving licence for heavy commercial passenger-carrying vehicles will not be allowed to renew their licence.

TAIWAN[5]

3.6 In Taiwan, applicants for a driving licence for private cars or motorcycles are required to undergo a health examination at public hospitals or designated medical institutions. The health examination covers eyesight, the ability to distinguish the colours red, amber and green, hearing, mobility. It will also check whether an applicant is suffering from epilepsy and other special diseases. Applicants for a private car driving licence also need to pass a physical fitness test for vision field and night vision.

3.7 Statistics compiled by the Taiwan government show that among the traffic fatalities at the scene or within 24 hours after the accidents occurred between 2014 and 2016, people aged 50 or above accounted for a larger proportion. As ageing may affect physical functions, and in turn, have impact on drivers' capability of safe driving, the Taiwan government established the "Driving License Management System for Elderly Drivers" to alert elderly people to pay attention to their physical fitness to drive and to protect the safety of elderly drivers and other road users. Under the system, drivers having reached the age of 75 shall undergo the aforesaid health examination as well as a cognitive function testing at designated hospitals or institutions to test their cognitive ability about time, short-term memory and thinking ability, judgement and hand-brain coordination for renewal of a driving licence that will be valid for three years. A driver who fails the cognitive function test may still be able to renew the driving licence if he/she is issued by the hospital a "certificate of not suffering from moderate dementia or above" after undergoing further examinations.

3.8 In Taiwan, professional drivers are required to pass the health examination and fitness test mentioned in **paragraph 3.6** when applying for a driving licence for commercial vehicles, and to undergo the same examination and test every three years afterwards. Professional drivers having reached the age of 60 shall undergo a thorough health examination (including blood pressure checks, chest x-ray and

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5 Reference:

(1) http://law.moj.gov.tw/LawClass/LawAll.aspx?PCode=K0040013

(2) http://www.thb.gov.tw/page?node=6b8d246a-aeb4-4a05-9b9f-4783c946870b

electrocardiogram) at designated hospitals and obtain a certificate from a medical practitioner before they can renew their driving licence for commercial vehicles that will be valid for one year. Moreover, the age limits for holding commercial driving licences for small vehicles and for large vehicles in the transportation industry are set at 70 and 68 respectively in Taiwan. When professional drivers of small vehicles and large vehicles reach the age of 68 and 65 respectively, they are required to pass the aforementioned cognitive function test (or provide a "certificate of not suffering from moderate dementia or above") and undergo more stringent medical examinations covering more items such as quality of sleep, exercise electrocardiogram and urine and blood tests, and obtain a certificate signed by a medical practitioner. Such arrangements are to confirm whether the applicants are fit to hold a commercial driving licence valid for one year.

SINGAPORE[6]

3.9 In Singapore, all driving licence applicants are required to undergo an eyesight test, which includes testing the ability to distinguish the colours red, amber and green from a prescribed distance. Besides, applicants and holders of driving licence shall declare whether they are suffering from any diseases or physical disability that may affect the drivers' capability to drive or road safety. For example, mental illness, epilepsy or dizziness that would cause sudden loss of mobility. Where the driving licence applicant or holder is suffering from any of the aforesaid diseases or physical disability, he/she shall undergo a medical examination by a medical practitioner specified or of his/her choice depending on the circumstances. In case the result shows that the applicant or holder is not physically fit to drive, he/she will not be issued a driving licence or his/her driving licence will be revoked.

3.10 The law of Singapore also requires that applicants having attained 65 years of age shall undergo a medical examination at their own expense within two months before submitting their driving licence applications. The medical examination shall be conducted by a local registered medical practitioner and cover items such as the applicant's medical history, eyesight, hearing, mobility and any abnormal physical or mental conditions that will cause the applicant unfit to drive. The medical practitioner

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6 Reference:

(1) https://sso.agc.gov.sg/SL/RTA1961-R27?DocDate=20200511#pr10-

(2) https://onemotoring.lta.gov.sg/content/onemotoring/home/driving.html

shall issue a certificate which sets out the examination results to confirm that the applicant is physically fit to drive.

3.11 Driving licence holders who will be reaching 65 years of age shall undergo the medical examination mentioned in the preceding paragraph at their own expense within two months prior to their birthday to prove their physical fitness for driving. Otherwise, their driving licence will become invalid on the day they reach 65. For holders of driving licence for private cars and motorcycles, they shall undergo the aforesaid medical examination every three years to prove their physical fitness to drive. As regards the driving licence for heavy vehicles and public transport including public buses and taxis (collectively known as "vocational licence"), holders aged 65 or above are required to undergo a medical examination and submit a certificate issued by a medical practitioner each year while those aged between 70 and 74 have to undergo a more thorough medical examination each year. The upper age limit for holding a vocational licence is 75.

AUSTRALIA[7]

3.12 In Australia, state/territory governments require driving licence applicants/holders to undergo medical assessment (including eyesight check) at prescribed schedule to prove their physical fitness to drive in accordance with their age and the vehicle types. In this regard, the Australian government has two sets of standards for medical assessment, namely private standards and commercial standards. The private standards generally apply to drivers of ordinary motorcycles, private cars, vehicles carrying no more than 12 persons (including the driver) and light goods vehicles, unless the vehicles are used as public passenger vehicles (such as those carrying passengers for hire and reward) or for carrying dangerous goods. The government will apply the more stringent commercial standards on the assessment of physical fitness of those driving medium or heavy goods vehicles, heavy combination vehicles and articulated vehicles or driving instructors to assess their physical fitness to drive.

3.13 The commercial standards are more stringent in terms of the drivers' physical fitness to drive. For example, the standard for visual sensitivity of commercial vehicle drivers is higher than that of private car drivers. Commercial

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7 Reference:

https://austroads.com.au/publications/assessing-fitness-to-drive/ap-g56

vehicle drivers suffering from certain acute illness will be prescribed longer non-driving periods. Certain medical assessments have to be conducted by a specialist rather than a general practitioner. Besides, commercial vehicle drivers who suffer from certain illness will only be granted a conditional licence with shorter validity compared with private car drivers. In other words, these drivers will have to undergo medical assessment again at shorter intervals for renewal of their licence.

3.14 While the frequency of medical assessment of drivers varies among states and territories, most state/territory governments require all first-time applicants to undergo eyesight test. In some states/territories, the government authorities require licence holders who have reached the prescribed age (i.e. 70, 75 or 80 depending on which state/territory is related) to undergo a medical assessment for their physical fitness every year. In some states/territories, the commercial standards require drivers of heavy vehicles, vehicles carrying dangerous goods or public passenger vehicles to undergo a medical assessment regularly (e.g. every three or five years) regardless of whether they have reached the prescribed age. This is to ensure that they are still physically fit to drive.

3.15 For example, in New South Wales, all drivers having reached the age of 75 shall undergo a medical assessment (including eyesight check) every year. Drivers of multiple combination vehicles are required to undergo a medical assessment every ten years if they are aged between 21 and 39, and every five years if they are aged between 40 and 59. Multiple combination vehicle drivers aged between 60 and 69 should undergo the assessment every two years while those who are 70 or above shall do it once a year. Drivers of public passenger vehicles shall undergo a medical assessment every three years before the age of 60, and every year after 60.

CANADA[8]

3.16 To promote safe driving, the licensing authorities in most of the provinces or territories in Canada adopt a set of basic standards for assessment of the physical

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8 Reference:

(1) https://www.ccmta.ca/en/national-safety-code

(2) https://www.alberta.ca/medical-conditions-and-driving.aspx

(3) https://www.ontario.ca/page/reporting-driver-medical-review

fitness of private drivers and commercial drivers, with necessary adjustment made according to the laws in their jurisdictions. Such standards aim to assist medical professionals and relevant authorities in determining whether the drivers are physically fit to drive. According to the standards, private drivers shall undergo a medical examination when they reach 75 and 80 years of age. Beginning at the age of 80, they have to undergo a medical examination every two years (or more frequently as required by the authorities). As for commercial drivers below the age of 45, they are required to undergo a medical examination every five years, and the frequency will be increased to every three years after reaching 45. Starting from the age of 65, commercial drivers will have to undergo the examination every year (or more frequently as required by the authorities).

3.17 For example, in Alberta, drivers are required by the law to report to the authority any physical and medical condition that may affect their ability to safely operate a motor vehicle. When applying for renewal of their licence, drivers of non-commercial vehicles shall undergo a medical examination at their own expense and submit a Medical Examination for Motor Vehicle Operators Form completed and signed by a physician subject to the frequency mentioned in **paragraph 3.16**. Items covered in the medical examination include vision, hearing, cognitive abilities and overall health condition. Drivers who operate commercial vehicles including trucks, public buses, school buses and taxis need physical strength because of the long periods of driving on the road for carrying passengers or transporting various types of goods. Moreover, if heavy vehicles are involved, a collision may result in more serious casualties. Hence, professional drivers of commercial vehicles are required of a higher level of physical fitness. First-time applicants for a commercial vehicle driving licence are required to undergo a medical examination at their own expense and submit the aforesaid medical report forms completed and signed by a physician. Commercial drivers are required to undergo a medical examination every five years until they reach 45 years of age, every two years after 45, and every year after 65 for renewal of their licence.

3.18 In another state, Ontario, the law requires that professionals such as physicians, nurse practitioners, optometrists and occupational therapists shall report to the authority any high risk medical conditions, vision conditions and functional impairments of drivers. The authority will then consider whether the drivers' licence should be suspended. Also, Ontario has implemented the "Senior Driver's Licence Renewal Programme", which aims to ensure safe driving by seniors. For renewal of their private car or light goods vehicle licence, senior drivers aged 80 or above are required to take a vision test (or submit a valid certificate issued by an eye doctor),

complete an in-class screening exercise relating to driving capability (including a test about cognitive ability) and undergo a driver record review every two years. All applicants for the grant and renewal of driving licence of commercial heavy vehicles or commercial buses are required of a higher level of physical fitness. They must undergo a medical examination at their own expense and submit a valid medical report issued by a physician or a nurse practitioner licensed to practice medicine. The frequency of medical examination required of these applicants is the same as that required of commercial drivers mentioned in **paragraph 3.16**.

United Kingdom[9]

3.19 In the United Kingdom ("UK"), drivers of private cars and motorcycles are required to renew their driving licence every three years after reaching 70 years of age though there is no upper age limit to licensing. Applicants who are applying for their first licence and those aged 70 or above who are applying to renew their licence must report any medical conditions that may affect their ability to drive safely. Such medical conditions include diabetes, syncope, heart conditions, sleep apnoea, epilepsy, strokes and glaucoma.

3.20 In view of the size and weight of commercial heavy vehicles (including large lorries and buses) and the length of time professional drivers spend at the wheel, the medical standards for this category of drivers are substantially higher. All initial applications for commercial heavy vehicle licence require a medical assessment at the applicants' own expense and a medical examination report completed and signed by a registered medical practitioner and an optometrist. The medical examination report will contain information on the applicants' vision assessment, medical history (such as neurological disorders, diabetes, cardiac diseases and psychiatric illness), blood pressure measurement and sleep disorders. Commercial heavy vehicle drivers must renew their licence every five years, and their renewal application must be accompanied by a medical examination report after reaching the age of 45. Those having reached the age of 65 shall renew their driving licence every year with the submission of a medical examination report, but there is no upper age limit for licence renewal.

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9 Reference:

(1) https://www.gov.uk/guidance/general-information-assessing-fitness-to-drive

(2) https://www.gov.uk/driving-medical-conditions

3.21 Driving licence holders are obliged to notify the authority of any medical conditions that affect their capability to drive when they become aware of such conditions or they will be liable to a penalty and be prosecuted. Medical professionals who are aware of any medical conditions that may cause a driver unfit to drive shall notify the authority. In this regard, the UK government has issued a set of guidelines and standards to assist medical professionals in advising the drivers whether they should notify their medical condition to the authority after making diagnosis. Moreover, the UK government has provided information on the types of diseases/medical conditions to help drivers understand whether they should notify the authority of their health condition.

SUMMARY TABLE OF RELEVANT MEASURES IN HONG KONG AND OTHER JURISDICTIONS

3.22 A summary of the requirements for physical fitness certification of drivers of different ages or various types of vehicles in Hong Kong and eight other jurisdictions mentioned in **paragraphs 3.2 to 3.21** is in **Table 2** below.

Table 2: Requirements for physical fitness certification of drivers in Hong Kong and eight other jurisdictions

	Driving licence for ordinary private cars			Driving licence for commercial (including heavy) vehicles			
Jurisdictions	Medical examination			Medical examination			
	Age	Frequency	Prescribed Items	Age	Frequency	Prescribed Items	More stringent than general licence
Mainland	When the licence is renewed		✓	When the licence is renewed		✓	✓
	Over 70	Every year	✓				
Macao	40 or above	Every 2 to 10 years	✓	35 or above	Every 5 or 10 years (heavy goods vehicles: every two years after reaching 65)	✓	✓
Taiwan	75 or above	Every 3 years	✓	Below 60	Every 3 years	✓	✓
				60 or above	Every year	✓	✓

Jurisdictions	Driving licence for ordinary private cars			Driving licence for commercial (including heavy) vehicles			
	Medical examination			Medical examination			
	Age	Frequency	Prescribed Items	Age	Frequency	Prescribed Items	More stringent than general licence
Singapore	65 or above	Every 3 years	✓	65 or above	Every year	✓	✓ (More thorough medical examination for drivers aged between 70 and 74)
Australia (New South Wales)	75 or above	Every year	✓	21-69 (heavy combination vehicles)	Every 2 to 10 years	✓	✓
				Below 60 (passenger vehicles)	Every 3 years	✓	✓
				60 or above (passenger vehicles)	Every year	✓	✓
				70 or above (heavy combination vehicles)	Every year	✓	✓

<table>
<tr><th rowspan="3">Jurisdictions</th><th colspan="3">Driving licence for ordinary private cars</th><th colspan="4">Driving licence for commercial (including heavy) vehicles</th></tr>
<tr><th colspan="3">Medical examination</th><th colspan="4">Medical examination</th></tr>
<tr><th>Age</th><th>Frequency</th><th>Prescribed Items</th><th>Age</th><th>Frequency</th><th>Prescribed Items</th><th>More stringent than general licence</th></tr>
<tr><td rowspan="2">Canada (Alberta)</td><td rowspan="2">75 or above</td><td rowspan="2">Every 2 or 5 years</td><td rowspan="2">✓</td><td>Below 65</td><td>Every 2 or 5 years</td><td>✓</td><td>✓</td></tr>
<tr><td>65 or above</td><td>Every year</td><td>✓</td><td>✓</td></tr>
<tr><td rowspan="2">Canada (Ontario)</td><td rowspan="2">80 or above</td><td rowspan="2">Every 2 years</td><td rowspan="2">✓</td><td>Below 65</td><td>Every 3 or 5 years</td><td>✓</td><td>✓</td></tr>
<tr><td>65 or above</td><td>Every year</td><td>✓</td><td>✓</td></tr>
<tr><td rowspan="2">United Kingdom</td><td rowspan="2" colspan="3">No specific requirement</td><td>45 or above</td><td>Every 5 years</td><td>✓</td><td rowspan="2">Not applicable</td></tr>
<tr><td>65 or above</td><td>Every year</td><td>✓</td></tr>
<tr><td>Hong Kong</td><td>70 or above</td><td>Every year or every 3 years depending on the applicant's choice</td><td>X</td><td colspan="4">No specific requirement, same as that of driving licence for ordinary private cars</td></tr>
</table>

4

OUR COMMENTS AND RECOMMENDATIONS

4.1 In Hong Kong where the traffic is always busy, drivers must have good driving manner and skills, and maintain both physical and mental health to ensure their capability to drive motor vehicles and avoid accidents.

4.2 According to a feature article on "Hong Kong Population Projections for 2017-2066" released by the Census and Statistics Department, population aging is expected to continue in Hong Kong. It is projected that in 2036, there will be one person aged 65 or above in every three persons in Hong Kong. **Table 1** (see **para. 2.5**) shows an increasing proportion of senior drivers aged 60 or above among full driving licence holders in the past five years. While senior drivers have acquired more driving experience and road safety knowledge, and their driving skills and manner may not be inferior to those of other age groups, their physical fitness is likely to deteriorate as they age, thereby affecting their capability to drive safely. For example, their sensory perception of the surrounding environment, judgement, reactions, coordination of muscles, strength, and ability to handle unexpected situation may diminish with age.

4.3 On the other hand, commercial vehicles have higher risks of involvement in traffic accidents and casualties as they are generally driven on road for longer periods of time, and are bulkier, heavier and carrying more passengers and goods in comparison to private cars. Hence, it is essential to ensure that professional drivers are physically fit to drive in order to safeguard road users, drivers and passengers.

4.4 As shown in the practices in the jurisdictions mentioned in **Chapter 3**, it is not uncommon for the governments to introduce more stringent requirements for physical fitness certification of senior drivers and professional drivers, and even imposed driving restrictions on them. Such practices are often deemed useful for enhancing road safety. The existing legislation in Hong Kong requires that drivers

aged 70 or above shall produce a Medical Examination Certificate when they apply for the issue or renewal of their driving licence. Nevertheless, in terms of setting the medical examination items and standards and specifying requirements for drivers' physical fitness for different classes of vehicles, there is still a gap between Hong Kong and other jurisdictions (see **Table 2 under para. 3.22**). In view of the ageing population and the increasing number of elderly professional drivers, we find it necessary for TD to keep pace with the times and learn from the experience of other jurisdictions in adjusting the requirements for physical fitness certification of drivers, so that the Government and the drivers themselves will be aware of any health condition that may affect the latter's capability to drive and take necessary follow-up action in a timely manner. This will help mitigate the risk of traffic accident caused by drivers' health problems.

4.5 On TD's requirements for physical fitness certification of driving licence applicants/holders, we find the following areas for improvement.

(I) TO SPECIFY EXAMINATION ITEMS OF PHYSICAL FITNESS CERTIFICATION FOR OBTAINING A DRIVING LICENCE AND PROVIDE MEDICAL PROFESSIONALS WITH GUIDELINES IN THIS REGARD

4.6 The Regulations provide that applicants aged 70 or above are required to produce a Medical Examination Certificate completed and signed by a registered medical practitioner to confirm that they are medically fit to drive and control any vehicles in the class to which the licence refers (see **para. 2.6**) when they apply for the issue or renewal of a driving licence. Nevertheless, the Medical Examination Certificate only sets out the suggested scope of medical checks to be performed by medical practitioners without specifying any compulsory examination items. Medical practitioners are not required to put the examination items of the applicant and the results thereof in the Certificate unless they consider the applicant not physically fit to drive. In the jurisdictions mentioned in **Chapter 3**, medical institutions or personnel are generally required to include specified items in the medical examinations of driving licence applicants, and the requirements for physical fitness are more stringent in accordance with the age of applicants or types of vehicles. For example, old aged drivers must undergo a cognitive test. Besides, medical professionals are also required to complete a medical report with results and data to help the issuing authority to consider whether a driving licence applicant is physically fit to drive or to drive a certain class of vehicles.

4.7 It is primarily the professional judgement of medical practitioners and relevant medical professionals as to whether the health condition of a driving licence applicant will affect his/her capability to drive. That said, medical practitioners may have different judgements even though they all assess from a medical perspective a person's capability to drive. We are aware that in Australia and Canada, there are established medical standards to assist medical professionals in conducting medical examinations of driving licence applicants for assessment of the latter's physical fitness to drive. In Hong Kong, while there is a suggested scope of medical examination in the Medical Examination Certificate, TD has not established any uniform medical standards for completing the Certificate and issued any guidelines to medical practitioners. In the absence of details and objective data on the medical examination, it is difficult for the Government to understand the physical fitness of a driving licence applicant.

4.8 In our opinion, TD should make reference to the requirements in different jurisdictions and consider specifying the examination items that driving licence applicants must undergo and imposing higher requirements of physical fitness certification by specifying the information that registered medical practitioners should put in the Medical Examination Certificate. The medical practitioners should also be required to provide suggestions on the Certificate as to how the applicant can improve his/her physical fitness such that both the Government and the applicant could understand whether the latter is physically fit to drive, and the applicant will be alerted to his/her health condition in a timely manner. TD can also, upon consultation with medical professionals and the related sectors, consider establishing uniform guidelines for the relevant medical examinations so that medical professionals can assess more effectively whether the driving licence applicants are physically fit to drive. That will include assessment of those who are on medication for certain diseases to determine whether they should be allowed to drive motor vehicles.

(II) TO ESTABLISH A MECHANISM FOR MEDICAL EXAMINATIONS OF COMMERCIAL VEHICLE DRIVERS (ESPECIALLY DRIVERS OF HEAVY VEHICLES) REACHING A SPECIFIED AGE AND IMPOSE MORE STRINGENT REQUIREMENTS FOR THEIR PHYSICAL FITNESS

4.9 The existing legislation contains no specific requirements for physical fitness of professional drivers of commercial vehicles including public transport.

Same as ordinary drivers, professional drivers below the age of 70 only need to declare their heath condition without having to undergo any medical examination for the issue or renewal of their driving licence. Currently, only franchised bus operators and the tram company have mechanisms in place to arrange regular medical examinations for their drivers in a systematic manner (see **paras. 2.11 - 2.15**). In other words, other professional drivers of commercial vehicles are only required to undergo medical examinations of the same standards as those required of private car drivers after reaching the age of 70.

4.10 Figures provided by TD reveal that the accident involvement rates per million vehicle-kilometre of some commercial vehicles are higher than those of private cars (see **para. 2.19**). We understand that traffic accidents can be attributed to various reasons, and accidents involving commercial vehicles and the health condition of the professional drivers concerned are not necessarily correlated. Nevertheless, given that commercial vehicles are bulky and they carry a large amount of goods or passengers, traffic accidents and collisions involving commercial vehicle can have dire consequences. Hence, it is not unreasonable for the Government to be more prudent about the physical condition of professional drivers. In some of the jurisdictions mentioned in **Chapter 3**, professional drivers who operate commercial vehicles (especially heavy vehicles) are subject to more stringent requirements for their physical fitness compared with private car drivers. Those professional drivers are required to attain higher medical standards and undergo more frequent and detailed medical examinations. In Alberta and Ontario in Canada and the UK, professional drivers of commercial vehicles are even required to pass a medical examination when they first apply for a driving licence.

4.11 We are of the view that TD should learn from the practices of other jurisdictions and establish a system for medical examination of commercial vehicle drivers (especially those driving heavy vehicles). Under such system, those drivers reaching a specified age will be required to undergo regular medical examinations and meet more stringent requirements for physical condition before they can be issued a driving licence for commercial vehicles or get their licences renewed so as to minimise the risk of traffic accidents.

(III) TO STEP UP PUBLICITY AND EDUCATION TO REMIND DRIVERS TO TAKE CARE OF THEIR PHYSICAL AND MENTAL HEALTH AND TO BE ALERT TO CHANGES IN THEIR CAPABILITY TO DRIVE

4.12 There are comments from the related industries that the ageing population and difficulty in attracting young people to join the industries have led to the reliance on older drivers to maintain transportation and public transport services in Hong Kong. We understand that if TD imposes more stringent requirements for medical examinations, senior professional drivers will worry about their livelihood as they may not be able to meet the standards of physical fitness, and the industries will worry about a shortage of drivers. We need to point out that getting old does not necessarily mean losing the capability to drive motor vehicles. It primarily depends on whether the drivers' health condition allows them to drive without endangering their own safety and that of the passengers and other road users. Hence, TD should continue to step up its publicity and education among drivers of different age groups to remind them to pay attention to their physical fitness and also be considerate towards others. Drivers should be alert to potential health risks that may affect their capability to drive, and be advised to prevent such problems. They should also be encouraged to undergo regular and specific medical examinations for prevention and treatment of diseases or changes in functional capacity that may affect their capability to drive. If drivers can make efforts to slow down the degeneration of their functional capacity and receive timely treatment for diseases, it will help extend their driving years.

4.13 In Hong Kong, the law requires that a driving licence holder, who is suffering from any disease or physical disability specified in the First Schedule of the Regulations, or any disease or physical disability that may cause the driving by him/her of a motor vehicle to be a source of danger to the public, shall notify the Commissioner of the fact after he/she becomes aware of such disease or physical disability. The Commissioner will then consider whether or not to cancel the holder's driving licence (see **para. 2.4**). However, we have received comments from the medical professional sector that many drivers indeed are not aware of this statutory requirement. We, therefore, consider that TD should strengthen education of drivers on the requirement for reporting changes in their health condition to TD and the importance of so doing. TD can also make reference to the practices in the UK and Ontario, Canada to approach medical professionals and seek their support in reminding drivers to promptly notify TD of their health condition when the medical professionals learn that the drivers' condition will affect their capability to drive. In that case, the drivers will not overestimate their capability to drive and become a threat to road safety.

(IV) TO EXPLORE WAYS TO FACILITATE PROFESSIONAL DRIVERS OF COMMERCIAL VEHICLES TO UNDERGO MEDICAL EXAMINATIONS

4.14 Every year, TD works together with non-profit making organisations in the Safe Driving and Health Campaign to provide free health checks to about 2,000 professional drivers of commercial vehicles (see **para. 2.18(1)**). Moreover, TD had offered free health checks at 10 designated medical centres to taxi drivers and public light bus drivers from 15 July to 14 September 2021 to encourage members of the public transport trades to receive the COVID-19 vaccination. The items covered in the health checks included physical fitness, diabetes, anemia, gout and lipid profile.

4.15 We understand that it will inevitably increase the financial burden of professional drivers of commercial vehicles if they are required to undergo and pay for more frequent and stringent medical examinations. Nevertheless, if the Government were to provide free medical examinations to a large number of professional drivers in the long run, it would involve resources and public funds and it requires careful consideration. TD should, therefore, proactively explore ways to facilitate professional drivers taking medical examinations. For example, when more stringent requirements for medical examinations of professional drivers first take effect, TD can follow the practice of the Safe Driving and Health Campaign and the previous incentives for vaccinations in offering free health checks. It can work with non-profit making organisations to subsidise the medical examinations of professional drivers in need so that the drivers can undergo the required medical examinations at lower costs. Moreover, TD should liaise with relevant departments including the Department of Health ("DH") to explore medical resources (such as the Elderly Health Care Voucher and Elderly Health Service of DH) that can be used on the relevant medical examinations. TD should draw on the experience from implementing the measures mentioned in **paragraph 4.14** and discuss with DH and other departments concerned how to offer assistance to drivers of commercial vehicles in need for undergoing the medical examinations.

RECOMMENDATIONS

4.16 In view of the above, The Ombudsman recommends that TD:

(1) specify examination items of physical fitness certification for obtaining a driving licence and provide medical professionals with guidelines in this regard so that they can assess more effectively whether the driving licence applicants are physically fit to drive (see **paras. 4.6 - 4.8**);

(2) establish a mechanism for medical examinations of commercial vehicle drivers (especially drivers of heavy vehicles) reaching a specified age and impose more stringent requirements for their physical fitness (see **paras. 4.9 - 4.11**);

(3) step up publicity and education to remind drivers to take care of their physical and mental health and to be alert to changes in their capability to drive (see **paras. 4.12 - 4.13**); and

(4) explore ways to facilitate professional drivers of commercial vehicles to undergo medical examinations (see **paras. 4.14 - 4.15**).

ACKNOWLEDGEMENT

4.17 The Ombudsman thanks TD for the full cooperation during our investigation.

Office of The Ombudsman
Ref: OMB/DI/450
November 2021

Annex

Medical Examination Certificate

(Only for Applicants Aged 70 or above for Issue or Renewal of Full/ Probationary/ Temporary/ Learner's Driving Licence)

Part A **Particulars of Applicant**

(Important: This medical examination report (Part B) must be issued within 4 months counted from the date of application and must be completed and signed by a registered medical practitioner (see Note 1 in Part C))

Name of Applicant : ______________________________

Identity Document No. : ______________________________

Part B **Medical Examination Report (must be completed by a registered medical practitioner who conducts the medical examination on the applicant. Please see Note 1 in Part C)**

Before conducting the medical examination on the applicant for completion of this report, the registered medical practitioner is requested to read the following:

According to the Road Traffic (Driving Licences) Regulations (Cap. 374B), any person aged 70 or above applying for issue/ renewal of a full/ probationary/ temporary/ learner's driving licence shall attach to his/ her application a certificate by a registered medical practitioner that he/ she is medically fit to drive and control any vehicle in the class which he/ she would be permitted to drive. If it appears to the Commissioner for Transport that the applicant is suffering from any of the following diseases or physical disabilities, the Commissioner for Transport shall refuse to issue/ renew the driving licence:

1. Epilepsy.
2. Liability to sudden attacks of disabling giddiness or fainting due to hypertension or any other cause.
3. Mental disorder for which the applicant for the licence, or, as the case may be, the holder of the licence is liable to be detained under the Mental Health Ordinance (Cap. 136) or is receiving treatment as an in-patient in a mental hospital within the meaning of that Ordinance.
4. Any condition causing muscular incoordination.
5. Uncontrolled diabetes mellitus.
6. Inability to read at a distance of 23 metres in good daylight (with the aid of spectacles or other corrective lenses, if worn) a registration mark.
7. Any other disease or disability which is likely to render him/ her incapable of effectively driving and controlling a motor vehicle or suitably adapted motor vehicle to which such licence refers without endangering public safety, provided that deafness shall not of itself be deemed to be any such disability.

Note 2 in Part C suggests areas which the registered medical practitioner may have to consider during the medical examination. The registered medical practitioner may conduct, based on his professional judgment, any test which he thinks appropriate to facilitate his conclusion in the ensuing paragraph.

TD256 (9/2016)

Conclusion after Conducting the Medical Examination

After conducting the medical examination, I consider that the applicant's fitness to drive motor vehicles is as follows (please tick (✓) in the appropriate box(es) and provide your views, if any):

☐ The above-named person is medically fit to drive motor vehicles and my opinion on his/ her visual and acoustic ability is as follows:

	Yes	No
(1) he/ she needs to wear corrective lenses while driving	☐	☐
(2) he/ she needs to wear hearing aids while driving	☐	☐

☐ The above-named person is not medically fit to drive motor vehicles for the following reason(s) (please specify which item if he/ she is suffering from any of the above-mentioned diseases/ physical disabilities):

____

____

____

____

Other Remarks (if any):

____

____

Declaration

I have conducted a medical examination on ____________________ (date) with the applicant, and considered all the relevant areas needed to be assessed. This medical report is completed by me according to my assessment.

Name of the Registered Medical Practitioner (Please see Note 1 in Part C) : ________________________________
(IN BLOCK LETTERS)

Signature of the Registered Medical Practitioner : ________________________________

Date of Issue : ________________________________

Contact Telephone Number : ________________________________

Correspondence Address : ________________________________

____

TD256 (9/2016)

Part C **Important Notes**

(1) Registered medical practitioner means a person duly registered as a medical practitioner of the Medical Council of Hong Kong, or deemed to be registered as a medical practitioner under the Medical Registration Ordinance (Cap. 161). Overseas medical practitioner shall also comply with the registration requirement under the Medical Registration Ordinance (Cap. 161).

(2) When conducting the medical examination, the registered medical practitioner is suggested to take into account the following areas. The list may not be exhaustive, and the registered medical practitioner may exercise his professional judgment to include whatever test on the applicant as necessary.

Eyes-sight:

- ✧ Whether he/ she has any eye disease or disorder that will lead to inability to read at a distance of 23 metres in good daylight a registration mark
- ✧ Whether he/ she needs to wear spectacles or other corrective lenses while driving
- ✧ Whether he/ she has loss of one eye or monocular vision

Mental State:

- ✧ Whether he/ she is suffering from epilepsy or other convulsive disorder
- ✧ Whether he/ she is suffering from mental disorder including senile or vascular degeneration of the central nervous system which may affect his/ her fitness to drive
- ✧ Whether he/ she has any sign of drug addiction
- ✧ Whether he/ she has any history of medication that may affect his/ her mental state
- ✧ Whether he/ she is suffering from uncontrolled diabetes mellitus
- ✧ Whether he/ she has any history of alcoholism

Skeletal and Muscular System:

- ✧ Whether he/ she is suffering from deformity of bones and joints and muscles
- ✧ Whether he/ she is suffering from any form of crippling arthritis
- ✧ Whether he/ she has suffered from paralysis
- ✧ Whether he/ she has suffered from severe injury

Balance and Coordination:

- ✧ Whether he/ she is suffering from disease or disorders leading to sudden attacks of disabling giddiness or fainting such as Meniere's Disease, uncontrolled hypertension, cerebellar disorder, severe anaemia, heart-block and asthma
- ✧ Whether he/ she is suffering from disorder or diseases causing muscular incoordination or tremour

TD256 (9/2016)

Hearing:

- Whether he/ she is suffering from disorders or diseases of the ear leading to deafness or disturbance of balance

Others:

- Whether he/ she is suffering from chronic obstructive airway disease
- Whether he/ she is suffering from hypertension
- Whether he/ she is sign of degenerative or ischaemic heart disease
- Whether he/ she has taken major surgery
- Whether he/ she is suffering from any other disease that may affect the efficiency of driving a motor vehicle

(3) Transport Department may seek confirmation from the registered medical practitioner completing this report whilst considering the driving licence application, after receiving this report from the applicant.

Part D **<u>Notes about Your Personal Data</u>**

Purposes of Collection

1. The personal data provided in this form will be used by the Transport Department for processing the application.

2. You must provide the personal data as required. Otherwise, the application may be refused.

Classes of Transferees

3. The personal data you provided in this form may be disclosed to other Government departments, bureaux and relevant organizations for the purposes mentioned in paragraph 1 above.

Access to Personal Data

4. You have the right of access and correction to your personal data as provided according to sections 18 and 22 and principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes obtaining a copy of your personal data provided in this form.

Enquiries

5. Enquiries concerning the personal data collected through this form, including access and corrections, should be sent to:

Executive Officer/FRT
Licensing Section
3/F, United Centre
95 Queensway
Hong Kong